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500	7590	08/02/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/575,845

Applicant(s)

MYERS, CONNIE D.

Examiner

Jean D Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-20,22-47,49-52,54-57 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-20,22-47,49-52,54-57 and 59-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

In response to the Applicant's request for reconsideration, under 37 CFR 1.116, filed on June 08, 2004, the Examiner withdraws the finality of the last Office Action. And another Office Action is submitted below.

Furthermore, the Examiner approves the new title of the invention.

**DETAILED ACTION**

***Specification***

The title of the invention, under 37 CFR 1.72, should be descriptive, brief and technically accurate.

**Status of the claims**

Claims 1-46 were originally presented and claims. **After the first Office Action on the merits, claims 47-62 were added.** After the Final Office Action, claims 4, 21, 48, 53 and 58 are canceled. Thus, claims 1-3, 5-20, 22-47, 49-52, 54-57 and 59-62 are now pending in the Instant Application.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any,

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application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

Claims 37-41 and 47-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. Here, the steps as recited in the claims pertain to a manual process and therefore, the claims do not fall within the technological art. Here, printing a shopping list does not necessarily require the use of a

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device, such as a printing device or printer. Writing information on a piece of paper may be interpreted as printing the information on the piece of paper (manual process). To this end, a relevant device or hardware, such as a computer system, a database, a data communication, computer network, the Internet and so and so forth should be used to implement the steps or process recited therein.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3, 5-20, 22-47, 49-52, 54-57 and 59-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnett et al. (hereinafter Barnett), US Patent 6,321, 208 B1.

As per claims 1-3, 5-20, 22-47, 49-52, 54-57 and 59-62, Barnett discloses a system for distributing in an interactive manner over a computer network or the Internet

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by an online service provider 2 of fig. 1 electronic coupons (Virtual coupons) received from coupon issuer 14 or coupon distributor 16 to registered users using remote computers 6 of fig. 1 wherein a central repository or database 40 of fig. 6 associated with online service provider 2 stores electronic coupon packages and a database file 42 stores users' demographic data or profile data (name, address, income, etc.), provided by the users during an online registration or **sign-off** process with the online service provider 2, and survey responses given by the users. First, a user initially visits the online service provider 2 web site and downloads or accesses generic or untargeted electronic coupons or coupon data stored in database 40 and the demographic data collected from the user during the initial visit (registration or sign-off process) are used to target specific coupon data packages for subsequently downloading by the user. **It should be recognized here that the coupons, during the initial visit, are displayed on the user's computer screen in text format, graphical image format (mark or trademark or logo), etc., representing, for example, the products associated with coupons (or the images are displayed next to the coupons) and the user selects one or more coupons from the list of coupons displayed thereon. Once the user has selected one or more desired coupons (one or more marks), data related to the selected coupons are downloaded to the user's computer 6 where they be printed for subsequent use or to form a shopping list that can be printed by the user's computer for later consumption (col. 7: 55 to col. 8: 5; Claim 1 of the current reference).**

In general, the user may view, select, sort and print desired coupons from the downloaded package. The user's demographic as well as coupon selection data is provided back to the online service and coupon distributor and issuers for subsequent



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marketing analysis (**tracking or monitoring the user's awareness...**). The online service provider 2 can perform subsequent coupon processing on previously downloaded coupon packages, stored on the user's computer 6 memory, such as variation of discount amounts based on this monitoring. **The online service provider can also determine how many times a particular coupon was viewed, selected, printed or used (determining a frequency of selection.....)**. Further, when the printed coupons are presented at a retail store 10, the discount is provided to the user. Upon redemption by the store 10 via a coupon redeeming center 13, transaction data, including the redeemed coupon data, are also supplied to the coupon issuers 14 and distributor 16 for integration into marketing analysis (monitoring user's consumption or the coupon usage). In other words, the coupon issuers 14 and coupon distributors 16 of fig. 1 utilize the user-specific data (coupons deleted, coupon printed and demographic data) along with the redemption data to generate or compile subsequent coupon packages targeted specifically or directed to the user's attention (using redemption data to update the user's virtual coupons or electronic coupons). The electronic coupon system is secure due to the inclusion of user-specific identification indicia printed or encoded thereon.

(See abstract; col. 6: 58-65; col. 7: 12-20; col. 7: 45-55; col. 8: 22-37; col. 8: 46-47; col. 6: 50 to col. 7: 11; col. 9: 33-52).

Moreover, Barnet discloses that US Patent 4, 674, 041 to Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons (displaying available marks or images), selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected

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coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached due to a constant monitoring (tracking user's awareness..., determining frequency of selection...). Barnett also admits that the prior art fails to provide a secure, interactive and targeted coupon generation system in which the user can request, store, manipulate and print coupons as desired based on the user or consumer specific profile information, such as demographic data, data representative of coupons requested, selected, printed and redeemed, and wherein the specific profile information and transaction data related to the redeemed coupons are forwarded back to the coupon issuer 14 and coupon distributor 16 for further processing and marketing analysis to thereby efficiently targeting subsequent coupon delivery to the user or consumer. In short, Barnett does disclose a tracking system configured to monitor the user's coupon (mark) selection and, coupon usage, to determine the frequency of selection and so on. See col. 3: 36-62.

Barnett also tracks the number of times a single printed coupon has been used by a user (tracking or counting system), the coupons viewed, selected, printed and redeemed by the users and information related to the coupons (marks or trademarks) viewed, selected, printed and redeemed is supplied to the coupon issuers 14 and distributors 16, who can utilize the transaction data including the redeemed coupon data obtained from a plurality of retailers 10 (reporting or tracking system or measuring the coupon redemption success or effectiveness) in order to more intelligently market subsequent coupons and target coupon issuance to the right users and in a more cost effective manner (col. 3: 44-52; col. 5: 22-34; col. 11: 11-23; col. 11: 44-50).

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In one embodiment, Barnett discloses an online display screen 60 (interface) as shown in FIG. 4a, which is provided to a user on a display 24 of his remote computer 6 whenever he is in online communication with the service provider 2. The online display screen 60 comprises a join service function button 62, a download coupons function button 64, a help function button 66, and an online communications button 68. When the user desires to initially register for the electronic coupon distribution service, he selects the join service function button 62 which initiates a dialog with the online service provider 2 in order to request certain demographic data from the user which will be used to target specific coupon data packages for subsequent downloading. The user has the option of providing the requested information if he so desires. In addition, an offline coupon management program is transmitted electronically to the user's computer 6 for subsequent coupon data requesting, downloading and processing. The coupon packages file 40 (Database file) comprises electronic coupon data and other types of advertising materials supplied by the various coupon issuers 14 through the coupon distributor 16. Individual users' coupon data packages are drawn from this file based on demographic data and historic buying profiles stored in the demographic database file 42.

**Advertisements may consist of graphics, text, recipes, competitions or other inducements or a combination thereof** (col. 7: 56 to col. 8: 5; col. 8: 14-21).

Barnett also discloses that coupons downloaded by the user from the online service provider 2 database 40 are transmitted to the user's computer 6 and stored thereon in a local coupon database file 30 of fig. 2 where they can be used to generate a printable shopping list or to print one or more coupons. The coupon database file 30 is segmented

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into various sections as shown in the memory map of FIG. 2. The coupon database of the preferred embodiment comprises downloaded coupon data 30a, which is the entire coupon data package downloaded from the online service provider 2; selected coupon data (marks or trademarks or logos) 30b, which is a subset of the downloaded data and represents specific coupons electronically "clipped" and stored therein for immediate or future printing; sorted coupon data 30c (**ordering or sorting module for ordering or sorting out the shopping list and/or coupon list**), which is selected coupon data sorted in accordance with a particular set of criteria (e.g. **all fruits together, then all dairy products, etc.**); fixed coupon parameters and user-specific data 30d, which is certain unvarying data used in printing the coupons; **and store-specific data 30e, which is information regarding the product arrangement in a certain retail store 10 which will allow the user to prepare a shopping list tailored to the particular store** (col. 9: 1-33).

In a further embodiment, Barnett teaches a system wherein, prior to downloading requested coupon data package to the computer 6, the demographic database file 42 coupled to the online service provider 2 system provides certain demographic queries to the user in order to obtain valuable information for use in marketing analysis and subsequent coupon package generation. The users' responses to the queries are transmitted to the online service provider 2 and stored in the demographic data file 42 for subsequent processing. The user may select the view function button 52 in order to view the coupons and advertisements previously downloaded. This selection will call the view coupons routine 32b, which will access the downloaded coupon data file 30a of fig. 2 and present it to the user via the display 24 related to the user's computer 6. **While viewing**

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the coupons and advertisement (displayed as a text, graphical image or mark or trademark or logo), the user may select a desired coupon for further sorting, storage, printing or deleting and/or shopping list generation by selecting or "clipping" the coupon with the mouse or keyboard input 22. Coupons are clipped or selected by scrolling through related advertisements (the advertisements have inducements or enticements or incentives or coupons associated with them). In order to avoid the need for clipping, the user may print or delete a desired coupon. The coupons selected in this function are stored for further processing (for creating a shopping list or printing) in the selected coupon data file 30b (col. 9: 34-67).

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation or ordering option is provided which logically sorts or ordering, by category and subcategory, the coupons stored for later retrieval and printing. Thus, the management program, coupled to the user's computer 6, automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c (similar to the conventional manual filing or sorting system) and will aid the user in viewing his selected but unprinted coupons in an efficient manner or order. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort or orders the coupons manually using his own classification (Col. 10: 1-16).

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Additionally, the local shopping list function button 58 calls the shopping list generation routine 32g of fig. 2 when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner (col. 17-30). The shopping list generation routine 32g may also advantageously use data stored in the store-specific data file 30e in order to prepare a shopping list tailored to an individual retail store. The user may select a standard pre-programmed shopping list, (generic shopping list) his last generated shopping list, or a blank shopping list from which to commence his shopping list preparation (col. 10: 18-47).

The coupon upload routine 32cc is called automatically and without user request whenever the user requests a coupon download package from the online service provider 2. A record is kept by the upload routine 32cc indicative of each coupon selected by the user and each coupon printed by the user (tracking coupons or trademarks selections and printings). This record is sent to the demographic data file 42 in the online service provider 2, and is used for marketing analysis along with data regarding which coupons were actually redeemed (tracking coupon or trademark usage to determine the effectiveness of the system), which information is obtained from the

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**manufacturers' redemption agency or center. Coupons are printed by the printable coupon data generation routine 32d, which is invoked by a user when he selects a print command from the coupon file function 56. This routine obtains data from two sources in the coupon database 30: the fixed coupon parameters and user-specific data file 30d, and the variable coupon data associated with the particular coupon selected for printing. It should further be understood here that the system uses an accounting of past coupon or trademark activation or selection, printing and usage to determine the effectiveness of the system (awareness or recognition of the brand related to the coupon or mark) and to prepare a newly targeted set of coupons (marks) for the specific user and wherein these targeted coupons are used by the user to generate a new shopping list. Furthermore, Barnett discloses a system having a tracking component operable to track the user's coupon selection, coupon printing and coupon usage. Based on this tracking record or past accounting data, the system is configured to delete coupon data stored on the user's computer because they are expired, increase or decrease the monetary value of locally stored coupon data without the user's input (col. 10: 47-64; col. 12: 26-62; col. 13: 11-35).**

### **Response To Applicant's Arguments**

First and foremost, the Applicant's arguments, related to the amended claims and newly submitted claims, are fully addressed in the above Office Action.

Furthermore, the Examiner equates a coupon or coupon package, as disclosed by Barnett, to a mark or a symbol or graphical image representing a promotion associated

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with a product or service or brand name from a manufacturer or a retailer. Here, Barnett discloses a system for allowing a customer to browse among a plurality of marks or coupon packages, to download coupon packages or marks to his computer where the coupon packages or marks can be used to print hard copies of the coupons or to create a shopping list. Barnett also discloses a system for tracking a customer's activities such as recording the number of coupons viewed by a customer, downloaded by the customer, redeemed by the customer in an effort to measure the effectiveness of the system. By keeping an accounting of the user's activities including buying history, the system can determine which brand name or mark the user or customer has a tendency to purchase (brand recognition).

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the present Office Action **has been made Final**.

### Conclusion

The following references, although not used, are considered to be relevant-

US Patent 6, 362, 840B1 discloses a system for graphical display of link actions.

US Patent 5, 353, 218 to James P. De Lapa discloses a merchandising system for generating and redeeming product discount coupons prints coupons for a selected



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consumer from a group of consumers by selecting particular coupons from a group of coupons to provide to the selected consumer and printing the coupons. Both the consumer and coupon identifications are encoded on the coupon in machine-readable form whereby the machine-readable code may be read at a point-of-sale terminal using a code reading apparatus. The portion of the read code corresponding to the consumer identification is replaced with a generic code to provide a substitute code. The substitute code is applied to a look-up table in order to determine coupon parameters related to the coupon identification. The entire machine-readable code may also be captured and uploaded to a central database for determining the coupon identification and consumer identification in order to update the database of consumers and coupons. In this manner, coupons redeemed by a consumer may be used in selecting future coupons for that consumer. The system may provide for coupon redemption by providing sufficient information to a manufacturer in order to generate a rebate to the retailer.

US Patent 6, 029, 195 to Herz discloses a system that relates to customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest summary describes the user's interest level in various types of target objects. The system then evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these

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potentially relevant target objects, which were automatically selected by this system from the plethora of target objects that are profiled on the electronic media. Users' target profile interest summaries can be used to efficiently organize the distribution of information in a large scale system consisting of many users interconnected by means of a communication network. Additionally, a cryptographically-based pseudonym proxy server is provided to ensure the privacy of a user's target profile interest summary, by giving the user control over the ability of third parties to access this summary and to identify or contact the user.

US Patent 4, 674, 041 to Lemon discloses a system having remotely located coupon printing stations installed in stores and capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow a consumer to choose the desired coupon and a coupon printer coupled to a station for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached (col. 2: 16-19; col. 3: 39-54; col. 4: 47-51).

WO 97/23838 to Scroggie discloses an incentive distribution network or system for providing purchase incentive offers, such as electronic coupons, recipes, rebates, shopping aids, product samples, supermarket specials, etc. to qualified customers over the Internet. First of all, the customer logs into the system and fills out a registration form where he provides his demographic information including geographical location having a specific zip code and other postal code since the features of the present system are location-dependent. If it is determined by the system that the submitted zip code is a valid

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zip code, that is a zip associated with a retail store where an electronic coupon can be redeemed, then the system allows the customer to proceed to the main menu and browse among available purchase incentive offers. The system merges customer supplied-information 270 with other purchase incentive data 272 of fig. 12 and creates a printable graphical image of the purchase incentive 282 for transmission or delivery to the identified customer. In one alternate embodiment of the invention, the purchase incentive or electronic coupon is not directly transmitted to the customer instead the terms of the purchase incentive or coupon, for example, are transmitted electronically to a retail store 310 of fig. 13, located in the customer's geographical location or zip code, pre-selected by the said customer, who receives either a token 316 or an advisory message to present at the retail store 310 during a redemption process. In a further embodiment of the invention, incentives may be targeted to a specific customer based on the customer's purchase history (previous purchase) 502 and transmitted to consumer's computer 510 via electronic mail or e-mail address stored in a consumer database 506, storing customer's registration information, coupled to system's administrator's online web site 508 of fig. 15 having a web server or using a personal web page in the computer network established for each consenting consumer (See abstract; page 10: 4 to page 11: 14; figs. 1-5, 11-16).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325



JDJ

07/29/04